

# Senate Amendment 5234

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1 1 Amend Senate File 2360 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. Section 455B.310, subsection 2, Code  
1 5 2007, is amended to read as follows:  
1 6 2. The tonnage fee is four dollars and twenty-five  
1 7 cents per ton of solid waste, except as provided in  
1 8 section 455J.5, subsection 1, paragraph "b".  
1 9 Sec. 2. Section 455D.3, Code 2007, is amended by  
1 10 adding the following new subsection:  
1 11 NEW SUBSECTION. 5. ENVIRONMENTAL MANAGEMENT  
1 12 SYSTEMS. A planning area designated as an  
1 13 environmental management system pursuant to section  
1 14 455J.7 is exempt from the waste stream reduction goals  
1 15 of this section.  
1 16 Sec. 3. Section 455E.11, subsection 2, paragraph  
1 17 a, subparagraph (1), Code 2007, is amended to read as  
1 18 follows:  
1 19 (1) After the one dollar and fifty-five cents is  
1 20 allocated pursuant to subparagraph (2), the remaining  
1 21 moneys from the tonnage fee shall be used for funding  
1 22 alternatives to landfills and shall be allocated as  
1 23 follows:  
1 24 (a) Fifty thousand dollars to the department to  
1 25 implement the special waste authorization program.  
1 26 (b) One hundred sixty-five thousand dollars to the  
1 27 department to be used for the by-products and waste  
1 28 search service at the university of northern Iowa.  
1 29 (c) Up to thirty percent of the fees remitted  
1 30 shall be used for grants to environmental management  
1 31 systems as provided in section 455J.7.  
1 32 ~~(c)~~ (d) The balance of the remaining funds shall  
1 33 be used by the department to develop and implement  
1 34 demonstration projects for landfill alternatives to  
1 35 solid waste disposal including recycling programs.  
1 36 These funds may also be used to assist planning areas  
1 37 which have not been designated as environmental  
1 38 management systems in meeting the designation  
1 39 requirements of section 455J.3.  
1 40 Sec. 4. NEW SECTION. 455J.1 ENVIRONMENTAL  
1 41 MANAGEMENT SYSTEMS == LEGISLATIVE FINDINGS == PURPOSE.  
1 42 1. The purpose of this chapter is to encourage  
1 43 responsible environmental management and solid waste  
1 44 disposal and to enhance efforts to promote  
1 45 environmental stewardship.  
1 46 2. The general assembly finds and declares all of  
1 47 the following:  
1 48 a. The policy of responsible environmental  
1 49 management can be furthered by rewarding solid waste  
1 50 disposal projects that operate in an innovative,  
2 1 cost-effective, technologically advanced, and  
2 2 environmentally sensitive manner.  
2 3 b. Responsible environmental management can also  
2 4 be furthered by changing the focus of solid waste  
2 5 disposal projects from disposal management to  
2 6 environmental resource management.  
2 7 c. The concept of environmental stewardship  
2 8 embraces every aspect of the environmental footprint  
2 9 created by the management and disposal of solid waste.  
2 10 d. Environmental management systems mitigate the  
2 11 climate change impacts of solid waste disposal by  
2 12 reducing the amount of greenhouse gases released into  
2 13 the atmosphere. In addition, environmental management  
2 14 systems improve water quality by limiting and treating  
2 15 the impacts of leachate disposal and by providing  
2 16 positive examples of sustainable water resource  
2 17 management.  
2 18 e. The goal of managing resources in a sustainable  
2 19 manner is to increase the benefits to communities and  
2 20 society for the present and for the future.  
2 21 Sec. 5. NEW SECTION. 455J.2 DEFINITIONS.  
2 22 For purposes of this chapter:  
2 23 1. "Commission" means the environmental protection  
2 24 commission.

2 25 2. "Council" means the solid waste alternatives  
2 26 program advisory council established by the director.  
2 27 3. "Department" means the department of natural  
2 28 resources.  
2 29 4. "Director" means the director of the department  
2 30 of natural resources.  
2 31 5. "Environmental management system" or "system"  
2 32 means a solid waste planning area which has been  
2 33 designated as an environmental management system  
2 34 pursuant to section 455J.7. "Environmental management  
2 35 system" includes a planning area designated as an  
2 36 environmental management system that is providing  
2 37 multiple environmental services in addition to solid  
2 38 waste disposal and that is planning for the continuous  
2 39 improvement of solid waste management by appropriately  
2 40 and aggressively mitigating the environmental impacts  
2 41 of solid waste disposal.  
2 42 Sec. 6. NEW SECTION. 455J.3 ENVIRONMENTAL  
2 43 MANAGEMENT SYSTEM DESIGNATION REQUIREMENTS.  
2 44 To qualify for designation as an environmental  
2 45 management system pursuant to section 455J.7 a solid  
2 46 waste planning area shall actively pursue all of the  
2 47 following:  
2 48 1. YARD WASTE MANAGEMENT. Provide for the  
2 49 operation of a yard waste management program or  
2 50 contract with another party to do so.  
3 1 2. HAZARDOUS HOUSEHOLD WASTE COLLECTION. Provide  
3 2 for the proper management and disposal of hazardous  
3 3 household waste by operating a regional collection  
3 4 center or participating in a regional collection  
3 5 center network. The regional collection center shall  
3 6 provide for the collection and disposal of hazardous  
3 7 household wastes, including but not limited to paint,  
3 8 pesticides, batteries, automotive products, sharps,  
3 9 needles and syringes, and pool chemicals. The  
3 10 regional collection center shall encourage the reuse  
3 11 of any materials for which reuse is possible and may  
3 12 educate households on the use of safer alternatives  
3 13 through efforts designed to increase public  
3 14 participation and to increase the participation of  
3 15 local government entities not currently in a network.  
3 16 Regional collection centers may also provide for the  
3 17 assessment of current educational programs by  
3 18 examining changes in consumer behavior.  
3 19 3. WATER QUALITY IMPROVEMENT. Provide for a water  
3 20 quality improvement program within the system's  
3 21 planning area. Such a program may include offering  
3 22 educational programs, sponsoring awareness  
3 23 initiatives, providing for cleanup activities such as  
3 24 the cleanup of illegal dumping areas, and otherwise  
3 25 promoting responsible environmental behavior.  
3 26 4. GREENHOUSE GAS REDUCTION. Implement a  
3 27 greenhouse gas reduction program designed to prevent  
3 28 the release of greenhouse gases into the atmosphere.  
3 29 Such a program may include but is not limited to the  
3 30 following activities:  
3 31 a. Generating electricity or producing other fuels  
3 32 through the collection of landfill gas, such as a  
3 33 methane gas recovery or minimization system.  
3 34 b. Collecting and managing food and other organic  
3 35 waste from households and from industrial and  
3 36 commercial establishments, or attempting to recover  
3 37 energy from the reuse of biomass.  
3 38 c. Implementing programs that encourage the  
3 39 efficient use of energy and promote the use of  
3 40 renewable fuels.  
3 41 d. Discouraging the uncontrolled burning of solid  
3 42 waste and yard waste.  
3 43 e. Setting recycling goals to measure energy  
3 44 savings and quantify the level of success of  
3 45 greenhouse gas mitigation efforts.  
3 46 f. Collection and recycling services targeted at  
3 47 waste generated by industrial and commercial  
3 48 facilities such as cardboard, paper, construction, and  
3 49 demolition waste.  
3 50 5. RECYCLING SERVICES.  
4 1 a. Offer recycling services for paper, glass,  
4 2 metal, and plastics within the communities served. In  
4 3 addition to offering recycling of paper, metal, glass,  
4 4 and plastics, a solid waste planning area may also  
4 5 offer recycling services for electronic waste, white

4 6 goods, and tires.

4 7 b. Recycling services may also be targeted at

4 8 waste generated by industrial and commercial

4 9 facilities such as cardboard, paper, construction, and

4 10 demolition waste.

4 11 c. Recycling services offered in an effort to meet

4 12 the goals of this subsection may be provided through

4 13 drop-off sites or through curbside recycling programs

4 14 operated in conjunction with solid waste collection.

4 15 6. ENVIRONMENTAL EDUCATION. Plan and implement

4 16 programs educating the public on environmental

4 17 stewardship. These programs may include components

4 18 designed to prevent illegal dumping, reduce greenhouse

4 19 gas emissions, improve water quality, reduce waste

4 20 generation, increase recycling and reuse, or any other

4 21 environmental objective that furthers the purpose and

4 22 goals of this chapter.

4 23 Sec. 7. NEW SECTION. 455J.4 ANNUAL COMPLIANCE

4 24 REPORTS.

4 25 1. On September 1, 2009, and each year thereafter,

4 26 each environmental management system shall submit to

4 27 the department an annual report. The report shall

4 28 document the system's compliance with the requirements

4 29 of section 455J.3.

4 30 2. The department shall adopt by rule methods and

4 31 criteria for determining whether a system is in

4 32 compliance with the provisions of this chapter. In

4 33 adopting methods and criteria, the department shall

4 34 consult with stakeholders in order to develop

4 35 reasonable and appropriate criteria. In determining

4 36 whether a system is in compliance with the provisions

4 37 of this chapter, the department shall evaluate whether

4 38 a system is making continuing progress in regard to

4 39 the requirements of section 455J.3.

4 40 Sec. 8. NEW SECTION. 455J.5 INCENTIVES.

4 41 1. A solid waste planning area designated as an

4 42 environmental management system pursuant to section

4 43 455J.7 shall qualify for all of the following:

4 44 a. An exemption from solid waste reduction goals

4 45 imposed on sanitary landfills pursuant to section

4 46 455D.3.

4 47 b. A reduced tonnage fee of three dollars and

4 48 sixty-five cents per ton, to be imposed as provided in

4 49 section 455B.310, notwithstanding section 455B.310,

4 50 subsection 2, of which two dollars and ten cents shall

5 1 be remitted to the department.

5 2 c. Financial assistance as recommended by the

5 3 council and approved by the commission pursuant to

5 4 section 455J.7.

5 5 2. Notwithstanding any other provision of law to

5 6 the contrary, in addition to the incentives in

5 7 subsection 1, an environmental management system is

5 8 only required to file its updated comprehensive plan

5 9 once every five years.

5 10 Sec. 9. NEW SECTION. 455J.6 SOLID WASTE

5 11 ALTERNATIVES PROGRAM ADVISORY COUNCIL.

5 12 1. A solid waste alternatives program advisory

5 13 council is established within the department. The

5 14 council consists of the following voting members

5 15 serving staggered three-year terms who shall be

5 16 appointed by the director:

5 17 a. One member representing the Iowa recycling

5 18 association.

5 19 b. One member representing the Iowa waste

5 20 exchange.

5 21 c. One member representing the department of

5 22 economic development's recycle Iowa program.

5 23 d. One member representing the Iowa society of

5 24 solid waste administrators.

5 25 e. Three members representing solid waste planning

5 26 areas of various sizes.

5 27 f. One member representing the Iowa chapter of the

5 28 national solid wastes management association.

5 29 g. One member representing the department.

5 30 2. In appointing members to the council, the

5 31 director shall include representatives from both

5 32 public and private solid waste entities.

5 33 3. Members shall not be entitled to compensation,

5 34 but shall be entitled to reimbursement for expenses

5 35 pursuant to section 7E.6.

5 36 4. A majority of voting members shall not include

5 37 any member who has a conflict of interest. A  
5 38 statement by a member that the member has a conflict  
5 39 of interest is conclusive for this purpose. A vacancy  
5 40 in the membership does not impair the duties of the  
5 41 council.

5 42 Sec. 10. NEW SECTION. 455J.7 DESIGNATION OF  
5 43 ENVIRONMENTAL MANAGEMENT SYSTEMS.

5 44 1. CONSIDERATION OF PLANS. The council shall  
5 45 consider solid waste management plans submitted by  
5 46 solid waste planning areas and make recommendations  
5 47 for designation as an environmental management system  
5 48 to the commission. All system designations  
5 49 recommended by the council are subject to approval by  
5 50 the commission. Any solid waste planning area may  
6 1 submit a plan to the council and seek designation as a  
6 2 system.

6 3 a. By October 1, 2008, the council shall recommend  
6 4 the designation of up to six initial qualifying solid  
6 5 waste planning areas as environmental management  
6 6 systems to serve as pilot projects. By October 1,  
6 7 2009, and by the same date each year thereafter, the  
6 8 council may recommend the designation of any  
6 9 additional planning areas as systems, provided those  
6 10 areas meet the requirements of section 455J.3.

6 11 b. In recommending the designation of a planning  
6 12 area as a system, the council shall make a  
6 13 determination as to whether the area meets the  
6 14 requirements of section 455J.3. The council shall not  
6 15 recommend the designation of a planning area as a  
6 16 system unless the planning area meets the requirements  
6 17 of section 455J.3.

6 18 c. The commission shall consider the plans  
6 19 submitted to the council and shall review the  
6 20 council's recommendations on those plans. The  
6 21 commission shall approve or reject each plan and shall  
6 22 make publicly available its reasons for doing so.

6 23 2. SYSTEM REVIEW.

6 24 a. By October 1, 2009, and by the same date each  
6 25 year thereafter, the council shall review the annual  
6 26 reports of all designated systems and determine  
6 27 whether those systems remain in compliance with  
6 28 section 455J.3. If the council determines that a  
6 29 planning area is no longer in compliance, the council  
6 30 may recommend to the commission the revocation of the  
6 31 planning area's system designation.

6 32 b. The council may review and monitor the progress  
6 33 of those planning areas that have not been designated  
6 34 as a system and shall coordinate with other statewide  
6 35 boards, task forces, and other entities in order to  
6 36 achieve the goals and objectives of this chapter.

6 37 3. ALLOCATION OF FUNDS.

6 38 a. The council shall recommend to the commission a  
6 39 reasonable allocation of the moneys provided in  
6 40 section 455E.11, subsection 2, paragraph "a",  
6 41 subparagraph (1), subparagraph subdivision (c), to  
6 42 eligible systems. In making its recommendation as to  
6 43 the allocation of moneys, the council shall adopt and  
6 44 use a set of reasonable criteria. The criteria shall  
6 45 conform to the goals and purposes of this chapter as  
6 46 described in section 455J.1 and shall be approved by  
6 47 the commission.

6 48 b. Notwithstanding any other provision of law to  
6 49 the contrary, the commission shall make a final  
6 50 allocation of the funds described in section 455E.11,  
7 1 subsection 2, paragraph "a", subparagraph (1),  
7 2 subparagraph subdivision (c), to systems meeting the  
7 3 requirements of this chapter.

7 4 c. Moneys allocated pursuant to this subsection  
7 5 shall be used by systems to further compliance with  
7 6 any of the requirements of section 455J.3.

7 7 Sec. 11. COMPREHENSIVE RECYCLING PLANNING TASK  
7 8 FORCE.

7 9 1. ESTABLISHMENT AND PURPOSE. A comprehensive  
7 10 recycling planning task force is established. The  
7 11 task force shall be initially convened by July 1,  
7 12 2008, and shall be regularly convened as often as  
7 13 necessary. The task force shall be convened for the  
7 14 following purposes:

7 15 a. Studying and making recommendations for the  
7 16 planning and implementation of comprehensive statewide  
7 17 recycling programs, including an evaluation of the

7 18 current beverage container control law commonly  
7 19 referred to as the bottle bill.

7 20 b. Making recommendations for reducing the amount  
7 21 of recyclable materials contained in the waste stream  
7 22 and for reducing litter.

7 23 2. MEMBERSHIP.

7 24 a. The task force shall consist of the following  
7 25 voting members:

7 26 (1) One member selected by the Iowa recycling  
7 27 association.

7 28 (2) One member selected by the Iowa society of  
7 29 solid waste operations.

7 30 (3) Three members selected by the Iowa society of  
7 31 solid waste operations representing solid waste  
7 32 planning areas of various sizes and from various  
7 33 locations across the state.

7 34 (4) One member selected by the Iowa league of  
7 35 cities.

7 36 (5) One member selected by the solid waste  
7 37 association of north America representing private  
7 38 solid waste disposal entities.

7 39 (6) The director of the department of natural  
7 40 resources, or the director's designee.

7 41 (7) One member selected by the Iowa environmental  
7 42 council.

7 43 (8) One member selected by the league of women  
7 44 voters of Iowa.

7 45 (9) One member selected by the Iowa wholesale beer  
7 46 distributors association.

7 47 (10) One member selected by the Iowa beverage  
7 48 association representing juice and soft drink  
7 49 distributors.

7 50 (11) One member selected by the Iowa bottle bill  
8 1 coalition representing independent redemption centers.

8 2 (12) One member selected by the Iowa association  
8 3 of counties.

8 4 (13) One member selected by the Iowa farm bureau  
8 5 federation.

8 6 (14) One member selected by the association of  
8 7 business and industry.

8 8 (15) One member selected by the home builders  
8 9 association of Iowa.

8 10 (16) The director of the alcoholic beverages  
8 11 division of the department of commerce, or the  
8 12 director's designee.

8 13 (17) One member selected by keep Iowa beautiful.

8 14 (18) One member selected by the Iowa grocery  
8 15 industry association.

8 16 (19) One member selected by the Iowa dairy foods  
8 17 association.

8 18 (20) One member selected by the petroleum  
8 19 marketers and convenience stores of Iowa.

8 20 (21) One member selected by the Iowa retail  
8 21 federation.

8 22 (22) One member selected by the Iowa wine growers  
8 23 association.

8 24 (23) The director of the department of  
8 25 transportation, or the director's designee.

8 26 b. Nonvoting members of the task force shall  
8 27 include all of the following:

8 28 (1) Two members of the senate. One senator shall  
8 29 be appointed by the majority leader of the senate and  
8 30 one senator shall be appointed by the minority leader  
8 31 of the senate.

8 32 (2) Two members of the house of representatives.  
8 33 One member shall be appointed by the speaker of the  
8 34 house of representatives and one member shall be  
8 35 appointed by the minority leader of the house of  
8 36 representatives.

8 37 c. The voting members shall be appointed in  
8 38 compliance with the requirements of sections 69.16,  
8 39 69.16A, and 69.19, and shall serve for the duration of  
8 40 the task force.

8 41 d. The members of the task force are entitled to  
8 42 receive reimbursement for actual expenses incurred  
8 43 while engaged in the performance of official duties.

8 44 e. The task force shall elect a chairperson and  
8 45 the recommendations of the task force shall be  
8 46 approved by a majority of the voting members. A  
8 47 majority of the task force constitutes a quorum and an  
8 48 affirmative vote of the majority of members is

8 49 necessary to approve the recommendations of the task  
8 50 force. A vacancy in the membership does not impair  
9 1 the right of a quorum to exercise all rights and  
9 2 perform all duties of the task force.  
9 3 3. DUTIES. The task force shall do all of the  
9 4 following:  
9 5 a. Evaluate in a comprehensive manner the nature,  
9 6 extent, and effectiveness of recycling programs  
9 7 throughout the state.  
9 8 b. Make recommendations for creating and enhancing  
9 9 comprehensive sustainable recycling programs. Such  
9 10 recommendations may include methods of collecting and  
9 11 paying for the recycling of residential, industrial,  
9 12 and commercial waste, mechanisms for increasing the  
9 13 recycling of construction and demolition waste, and  
9 14 incentives for increasing the recycling of yard waste,  
9 15 food or other organic waste, hazardous household  
9 16 waste, and electronic waste.  
9 17 c. Assess the viability of a statewide curbside  
9 18 recycling program and make recommendations regarding  
9 19 the manner in which such a program might be  
9 20 implemented. If the assessment determines that such a  
9 21 program is viable, the task force shall provide an  
9 22 evaluation of available funding sources for a  
9 23 statewide curbside recycling program and include a  
9 24 detailed budget proposal for funding, implementing,  
9 25 and conducting such a program. The evaluation of  
9 26 funding sources and the proposed budget shall ensure  
9 27 adequate funding of recycling efforts throughout this  
9 28 state until a transition from the current beverage  
9 29 container control system to a statewide curbside  
9 30 recycling program can be fully completed and  
9 31 implemented.  
9 32 d. Make recommendations for facilitating the  
9 33 elimination of illegal dumping and littering  
9 34 throughout the state, including an evaluation of  
9 35 enhanced fines to increase deterrence. If  
9 36 appropriate, the recommendations may include an  
9 37 examination or incorporation of recommendations made  
9 38 by other task forces or government agencies.  
9 39 e. Make recommendations for the establishment and  
9 40 funding of regional recycling centers.  
9 41 f. Develop a plan to assist existing redemption  
9 42 and recycling businesses in adapting to any industry  
9 43 changes resulting from recommendations of the task  
9 44 force.  
9 45 g. Make recommendations for marketing programs  
9 46 that increase education and awareness of recycling,  
9 47 littering, and illegal dumping issues and that enhance  
9 48 the understanding of and commitment to effective  
9 49 environmental stewardship.  
9 50 h. Assess the effectiveness and sustainability of  
10 1 the beverage container control law in Code chapter  
10 2 455C, commonly referred to as the bottle bill, and  
10 3 consider possible alternatives.  
10 4 4. REPORT. The task force shall submit a written  
10 5 report containing its findings and recommendations to  
10 6 the governor and the general assembly by January 1,  
10 7 2009.  
10 8 5. DISSOLUTION. The task force shall complete its  
10 9 duties no later than January 1, 2009, but may complete  
10 10 its duties and dissolve itself prior to that date.>  
10 11 #2. Title page, by striking lines 1 through 4 and  
10 12 inserting the following: <An Act relating to solid  
10 13 waste disposal and environmental management by  
10 14 providing for the designation of environmental  
10 15 management systems, providing incentives, and creating  
10 16 a solid waste alternatives program advisory council  
10 17 and comprehensive recycling planning task force, and  
10 18 modifying fees and allocations of funds.>  
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10 22 FRANK B. WOOD  
10 23 SF 2360.701 82  
10 24 tw/nh/11418